

PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: A8492

Melvin Richard ZIMOWSKI

Appln. No.: 09/602,412

Group Art Unit: 2141

Confirmation No.: 9095

Examiner: Quang N. NGUYEN

Filed: June 23, 2000

For: TECHNIQUE FOR MAINTAINING AND MANAGING DYNAMIC WEB PAGES
STORED IN A SYSTEM CACHE AND REFERENCED OBJECTS CACHED IN
OTHER DATA STORES

DECLARATION UNDER 37 C.F.R. § 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Melvin Richard ZIMOWSKI, hereby declare and state:
2. THAT I am a citizen of the United States of America;
3. I am the sole inventor of an invention entitled TECHNIQUE FOR

MAINTAINING AND MANAGING DYNAMIC WEB PAGES STORED IN A SYSTEM
CACHE AND REFERENCED OBJECTS CACHED IN OTHER DATA STORES, which is
disclosed and claimed in the above referenced U.S. Patent Application Serial No.: 09/602,412.

4. THAT, at the time of the invention, I was employed by INTERNATIONAL
BUSINESS MACHINES CORPORATION, a corporation of United States and the assignee of
the above referenced application by virtue of an assignment recorded in the U.S. Patent and
Trademark Office at reel 010934, frame 0557 on June 23, 2000.

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5. THAT I conceived and reduced to practice the invention disclosed and claimed in the above referenced application in the course of my work for INTERNATIONAL BUSINESS MACHINES CORPORATION prior to April 16, 1999 or that I conceived the invention prior to April 16, 1999 and was diligent before the constructive reduction to practice (the filing date of June 24, 1999 of the U.S. Provisional Application No.: 60/140711) at least in the period between April 16, 1999 and June 24, 1999.

6. I understand that, in an Office Action mailed May 17, 2006, the Examiner applied, as a references against claims 2-3, 10, 12, 14-15, 22, 24, 26-27, 34, and 36 of the above referenced application, a U.S. Patent No. 6,298,373 granted to Burns et al. and U.S. Patent No. 6,526,580 granted to Shimomura et al. (hereinafter "Shimomura").

7. I further understand that 2-3, 10, 12, 14-15, 22, 24, 26-27, 34, and 36 of the above referenced application are rejected as being obvious over a U.S. Patent No. 6,298,373 granted to Burns in view of Shimomura.

8. I invented the subject matter of at least claims 2, 14, and 26 of the above referenced application,¹ prior to April 16, 1999. As evidence, I rely on the following exhibits, which are described below in more detail:

Exhibit A: A redacted copy of a presentation that was given at SHARE, Inc. by me prior to April 16, 1999. The presentation contains 46 pages. The page numbers have been added for the USPTO's convenience. Pages 27 and 28 of the internal power point presentation are deemed particularly relevant to the claimed invention.

¹ These claims correspond to claims 1, 13, and 25 in the Amendment under 37 C.F.R. § 1.114, which is concurrently filed herewith.

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Exhibit B: A redacted copy of a relevant portion of the inventor's notebook. The relevant portion of the inventor's notebook was created prior to April 16, 1999. The relevant portion of the inventor's notebook contains 2 pages. The page numbers have been added for the USPTO's convenience. Pages 1 and 2 of the relevant portion of the inventor's notebook are deemed particularly relevant to the claimed invention.

9. The support for at least claims 2, 14, and 26 of the above referenced application,² may be found, for example, on pages 27 and 28 of the *Exhibit A* (e.g., "only complete web pages are cached" see page 28 of *Exhibit A*) and on pages 1 and 2 of the *Exhibit B* (e.g., "when web page is deleted from cache, associated large objects are removed from HFS[. W]hen LOB is deleted from HFS, any objects dependent on it are deleted from the cache table[. C]ached web pages always deleted before dependent LOBs removed from cache." see page 1 of *Exhibit B*). The locations are representative only, and further support for the claimed subject matter may be found at other locations in the Exhibits.

10. In view of the foregoing, it is clear that I, the named inventor of the above referenced application, invented the subject matter of at least claims 2, 14, and 26 of the above referenced application,³ prior to the filing date of April 16, 1999 of the Shimomura reference cited in the Final Office Action.

11. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

² These claims correspond to claims 1, 13, and 25 in the Amendment under 37 C.F.R. § 1.114, which is concurrently filed herewith.

³ These claims correspond to claims 1, 13, and 25 in the Amendment under 37 C.F.R. § 1.114, which is concurrently filed herewith.

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these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10/23/06

Melvin Richard Zimowski
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